

Message

---

**From:** Gettle, Jeaneanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D8E72AA7E1894FAEA44006FD9F22B637-GETTLE, JEANEANNE]  
**Sent:** 3/12/2020 5:34:12 PM  
**To:** Goodin, John [Goodin.John@epa.gov]  
**CC:** Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]  
**Subject:** Re: FL HB 1091 -- the bill I was calling about

Pls call me bf you email  
Dave.

Sent from my iPhone

On Mar 12, 2020, at 12:55 PM, Goodin, John <Goodin.John@epa.gov> wrote:

Thanks for the voicemail, Jeaneanne—I'll send note and copy you (see below).  
Thanks,  
John

---

**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Thursday, March 12, 2020 12:52 PM  
**To:** Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Subject:** RE: FL HB 1091 -- the bill I was calling about

Thanks. Will send it in the next hour.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Goodin, John <Goodin.John@epa.gov>  
**Sent:** Thursday, March 12, 2020 12:48 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Subject:** RE: FL HB 1091 -- the bill I was calling about

Thanks, Simma—just picked up a voicemail from Jeaneanne and she was fine with me sending something and offering her to explain to Dave the circumstances surrounding being caught by surprise. Please include any link to the current text if possible.  
Thanks!  
John

---

**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Thursday, March 12, 2020 11:59 AM  
**To:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Goodin, John <Goodin.John@epa.gov>

**Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Subject:** RE: FL HB 1091 -- the bill I was calling about

John,

I just received your voicemail and will send you a draft email shortly for Dave. Do you have a preference as to whether you or Jeanneane emails Dave first? I can also check with the Region if you like.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Sent:** Thursday, March 12, 2020 11:53 AM  
**To:** Goodin, John <Goodin.John@epa.gov>  
**Cc:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Subject:** FW: FL HB 1091 -- the bill I was calling about

John – getting back to you.

**Ex. 5 AC/DP**

**Ex. 5 AC/DP**

Below is some additional contextual info.

Steve Neugeboren  
Associate General Counsel for Water  
U.S. EPA  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202 (564-5488)

---

**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Thursday, March 12, 2020 10:21 AM  
**To:** Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Cc:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Subject:** RE: FL HB 1091 -- the bill I was calling about

Just a bit of additional information:

Jeanneane stated that this bill had passed the Florida legislature and was simply awaiting the Governor's signature, but based on ORC's and my research, it appears that it has only passed the House, **and is teed up for a vote in the Senate this week** (as tomorrow is the last day of the legislative session.) It is part of a much larger package making fixes to a variety of Florida's environmental programs (though we have not seen anything else implicating the 404 program), so I assume the Governor will sign it.

**Ex. 5 Deliberative Process (DP)**

Simma Kupchan

EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>  
**Sent:** Wednesday, March 11, 2020 5:59 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>  
**Subject:** Re: FL HB 1091 -- the bill I was calling about

Tomorrow is fine of course.

Sent from my iPhone

On Mar 11, 2020, at 5:50 PM, Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)> wrote:

**Ex. 5 AC/DP**

Simma

Begin forwarded message:

**From:** "Fisher, Mike" <[Fisher.Mike@epa.gov](mailto:Fisher.Mike@epa.gov)>  
**Date:** March 11, 2020 at 5:01:14 PM EDT  
**To:** "Hicks, Matt" <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>, "Kupchan, Simma" <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>, "Morgan, James" <[Morgan.James@epa.gov](mailto:Morgan.James@epa.gov)>  
**Cc:** "Nagrani, Kavita" <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>  
**Subject:** RE: FL HB 1091 -- the bill I was calling about

Hi Matt --

**Ex. 5 AC/DP**

**Ex. 5 AC/DP**

# Ex. 5 AC/DP

## Ex. 5 Deliberative Process (DP)

Otherwise, we'll stand by to see if folks have further questions or would like to discuss.

Thanks --

Michael R. Fisher  
Director, Legal Counsel Division  
Office of Criminal Enforcement, Forensics & Training  
U.S. EPA  
1200 Pennsylvania Ave. N.W.  
WJC South Room 1202D (Mail Code 2232A)  
Washington, D.C. 20004  
202 564 1063 (phone) : 202 501 0579 (fax)

Help EPA fight pollution - report environmental violations at  
<http://www.epa.gov/tips>

---

**From:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>  
**Sent:** Wednesday, March 11, 2020 3:39 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Morgan, James <[Morgan.James@epa.gov](mailto:Morgan.James@epa.gov)>; Fisher, Mike <[Fisher.Mike@epa.gov](mailto:Fisher.Mike@epa.gov)>  
**Cc:** Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>  
**Subject:** RE: FL HB 1091 -- the bill I was calling about

Jeaneanne has asked if you can give your impression of HB 1091 before noon tomorrow. I know she would like OCEFT's impression as well. She's talking with the RA at 1:00.

Thanks,

Matt

---

**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Sent:** Wednesday, March 11, 2020 2:44 PM  
**To:** Morgan, James <[Morgan.James@epa.gov](mailto:Morgan.James@epa.gov)>; Fisher, Mike <[Fisher.Mike@epa.gov](mailto:Fisher.Mike@epa.gov)>  
**Cc:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>  
**Subject:** RE: FL HB 1091 -- the bill I was calling about

I think we should move quickly, but no deadline.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Morgan, James <[Morgan.James@epa.gov](mailto:Morgan.James@epa.gov)>  
**Sent:** Wednesday, March 11, 2020 2:13 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Fisher, Mike <[Fisher.Mike@epa.gov](mailto:Fisher.Mike@epa.gov)>  
**Cc:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>  
**Subject:** RE: FL HB 1091 -- the bill I was calling about

Is there a time critical element here or do we have some flexibility?

---

**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Sent:** Wednesday, March 11, 2020 1:53 PM  
**To:** Morgan, James <[Morgan.James@epa.gov](mailto:Morgan.James@epa.gov)>; Fisher, Mike <[Fisher.Mike@epa.gov](mailto:Fisher.Mike@epa.gov)>  
**Cc:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>  
**Subject:** FW: FL HB 1091 -- the bill I was calling about

JT and Mike,

I'd like your opinion as I begin to look at this. Thanks.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>  
**Sent:** Wednesday, March 11, 2020 1:49 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>  
**Subject:** FW: FL HB 1091 -- the bill I was calling about

Simma,

**Ex. 5 AC/DP**

Thanks,

Matt

---

**From:** Hicks, Matt  
**Sent:** Wednesday, March 11, 2020 1:45 PM  
**To:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Cc:** Ghosh, Mita <Ghosh.Mita@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>  
**Subject:** RE: FL HB 1091 -- the bill I was calling about

## Ex. 5 AC/DP

---

**From:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>  
**Sent:** Wednesday, March 11, 2020 1:13 PM  
**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Cc:** Ghosh, Mita <Ghosh.Mita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>  
**Subject:** RE: FL HB 1091 -- the bill I was calling about

The bill just passed the legislature – now pending Gov signature....it changes some of the criminal provisions

---

**From:** Gettle, Jeaneanne  
**Sent:** Wednesday, March 11, 2020 1:10 PM  
**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Cc:** Ghosh, Mita <ghosh.mita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>  
**Subject:** FL HB 1091 -- the bill I was calling about